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N.A., as Trustee for the Certificate-Holders
of Banc of America Alternative Loan Trust
2006-5, Mortgage Pass-Through
Certificates, Series 2006-5*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WELLS FARGO BANK, N.A., AS TRUSTEE
FOR THE CERTIFICATE-HOLDERS OF
BANC OF AMERICA ALTERNATIVE LOAN
TRUST 2006-5, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2006-5,

Case No.: 2:17-cv-02973-MMD-PAL

STIPULATION AND ORDER TO EXTEND DISPOSITIVE MOTIONS DEADLINE

[SECOND REQUEST]

SER INVESTMENTS POOL 1, LLC

Plaintiff.

SFR INVESTMENTS POOL 1, LLC.

Plaintiff Wells Fargo Bank, N.A., as Trustee for the Certificate-Holders of Banc of America Alternative Loan Trust 2006-5, Mortgage Pass-Through Certificates, Series 2006-5 (**Wells Fargo**) and defendant SFR Investments Pool 1, LLC (**SFR**) stipulate to extend the dispositive motions deadline for twenty-eight (28) days as follows:

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1 1. Nationstar filed its complaint on November 30, 2017 asserting a quiet title/declaratory
2 judgment and injunctive relief against SFR. (ECF No. 1.)

3 2. The court entered a discovery plan and scheduling order on May 3, 2018, setting an
4 August 15, 2018 dispositive motion deadline. (ECF No. 16.)

5 3. SFR filed a motion to dismiss Nationstar's complaint on January 29, 2018. (ECF No.
6 14.) Nationstar filed a response to SFR's motion to dismiss on May 9, 2018. (ECF No. 22.) SFR filed
7 its reply on May 16, 2018. (ECF 24.)

8 4. The court granted SFR's motion to dismiss in part and denied the motion in part on
9 August 6, 2018. (ECF No. 27.) In its ruling, the court found the HOA is a necessary party to the case,
10 allowing Wells Fargo fifteen (15) days to file an amended complaint. (*Id.*)

11 5. Wells Fargo's deadline to file an amended complaint is August 21, 2018, five (5) days
12 after the dispositive motion deadline of August 16, 2018.

13 6. SFR answered the first amended complaint, filed a counterclaim against Wells Fargo
14 and filed a cross-claim against new parties Jose Batres and Maria Batres on August 24, 2018 (ECF
15 No. 33.)

16 7. Wells Fargo answered SFR's counterclaim on September 14, 2018. (ECF No. 39.)

17 8. To date, the HOA's deadline to file a responsive pleading has not yet passed, nor has
18 the Batreses deadline to answer the cross-claim passed.

19 9. The parties stipulate to extending the dispositive motion deadline for an additional
20 twenty-eight (28) days, up to and including October 19, 2018, which will allow time for the HOA and
21 the Batreses to appear. At a minimum, Wells Fargo and SFR believe the HOA will appear. If the
22 HOA makes an appearance, the parties anticipate conducting a supplemental Rule 26(f) conference to
23 determine if the HOA needs additional time for discovery, and the parties may request an additional
24 extension of the dispositive motion deadline to the extent necessary to accommodate the HOA's late
25 appearance in the case.

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1 10. The parties do not file this stipulation with the intent to delay, but to ensure all parties
2 have adequate time to present their full cases in dispositive motion briefing.

3 Dated: September 20th, 2018.

4 **AKERMAN LLP**

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14 of America Alternative Loan Trust 2006-5,
15 Mortgage Pass-Through Certificates, Series
16 2006-5*

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27 *Attorneys for defendant SFR Investments Pool
28 I, LLC*

1 **IT IS SO ORDERED.**



2 UNITED STATES DISTRICT COURT JUDGE

3 DATED: September 24, 2018